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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,151	07/24/2003	Pasha Sadri	0021483-0004	9363
30076	7590	11/16/2005		
BROWN RAYSMAN MILLSTEIN FELDER & STEINER, LLP 1880 CENTURY PARK EAST 12TH FLOOR LOS ANGELES, CA 90067				
			EXAMINER GART, MATTHEW S	
			ART UNIT 3625	PAPER NUMBER

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/626,151	SADRI, PASHA	
	Examiner	Art Unit	
	Matthew S. Gart	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/28/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-19 are currently pending in the instant application. Claim 1 was amended per the applicant's response filed 7/1/2005.

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 9-16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geller (U.S. Patent No. 6,236,990) in view of Musgrove (U.S. Patent Application Publication No. 2004/0068413).

Referring to claim 1. Geller discloses a method for ranking a user's preference to search a class constituting one or more items comprising:

- Submitting said class by said user to a search mechanism (Geller: column 3, lines 34-44);
- Submitting a plurality of attributes of said class by said search mechanism to said user (Geller: column 3, lines 56-65);
- Choosing one or more attributes from said plurality of attributes by said user (Geller: column 4, lines 23-42);
- Submitting a rank for each of said one or more attributes by said user to said search mechanism (Geller: column 4, lines 23-42); and
- Displaying one or more items from said class along with a value of said one or more attributes for each of said items by said search mechanism to said user (Geller: Figure 2B).

Geller does not expressly disclose the limitation of searching the Internet for current attributes of class. Musgrove discloses the limitation of searching the Internet for current attributes of class (Musgrove: paragraph 0058). The rating system disclosed by Musgrove may be implemented using a computational device such as a server that is connected to a network, for instance, the Internet. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Geller to have included the teachings of Musgrove to allow publishing and remote access to a rating system (Musgrove: paragraph 0025).

Referring to claim 2. Geller further discloses a method wherein said plurality of attributes of said class submitted by said search mechanism to said user is a non-editable list (Geller: column 3, lines 44-55).

The Examiner notes, the method of Geller discloses that Attribute/question storage **212**, made of a storage device such as memory or hard disk storage, stores a set of attributes, and one or more questions corresponding to each attribute. The user does not have direct access to the list of the one or more questions and therefore would be unable to edit said list.

Referring to claim 3. Geller further discloses a method wherein said plurality of attributes of said class submitted by said search mechanism to said user is an editable list wherein said user can add or delete one or more of said attributes (Geller: column 3, line 64 to column 4, line 3).

The Examiner notes, the method of Geller discloses that the text of possible responses to the questions may be chosen from the list comprising of "Irrelevant" "Not

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Very Important" "Fairly Important" "Very Important" and "Critical" with corresponding weights. If the user would select "Irrelevant," this attribute would be deleted from said list of attributes, because it is irrelevant to the product being rated.

Referring to claim 4. Geller further discloses a method wherein said plurality of attributes submitted by said search mechanism to said user has a maximum threshold set on one or more of said plurality of attributes that a rank total of said one or more attributes submitted by said user to said search mechanism does not exceed said maximum threshold (Geller: column 4, lines 4-16).

Referring to claim 5. Geller further discloses a method comprising normalizing said rank of one or more attributes when said maximum threshold is reached (Geller: column 4, lines 43-59).

Referring to claim 6. Geller further discloses a method comprising:

- Calculating a total value which is a difference between said maximum threshold and a current rank of an attribute (Geller: column 4, line 22 to column 5, line 13);
- Calculating sum of said attribute (Geller: column 4, line 22 to column 5, line 13);
- Calculating a ratio which is said total rank divided by said sum if said sum is greater than said total rank (Geller: column 4, line 22 to column 5, line 13); and
- Calculating adjusted ranks of each of said one or more attributes if said sum is greater than said total rank (Geller: column 4, line 22 to column 5, line 13).

Referring to claim 9. Geller further discloses the method wherein said one or more items displayed to said user is displayed as a table with one or more headings

corresponding to said one or more attributes sent by said user to said search mechanism (Geller: Figure 2B).

Referring to claim 10. Geller further discloses a method wherein said one or more items displayed to said user is generated from data obtained from a central database source (Geller: Figure 2A).

Referring to claim 11. Geller further discloses a method wherein said one or more items displayed to said user is generated from data obtained from an aggregation of said items on the Internet (Geller: column 7, lines 7-22).

Referring to claim 12. Geller further discloses a method comprising storing said generated items in a data structure by filling in a plurality of fields in said data structure (Geller: Figure 3, "Steps 312 to 316").

Referring to claim 13. Geller further discloses a method wherein one or more of said plurality of fields correspond to one or more of said attributes submitted by said user to said search mechanism (Geller: Figure 3, "Step 312").

Referring to claim 14. Geller further discloses a method wherein said value of said one or more attributes for each of said items is computed using information from said data structure (Geller: column 4, line 22 to column 5, line 13).

Referring to claim 15. Geller further discloses a method wherein said user can change said rank of said one or more attributes after said items are displayed to said user changing the order of one or more of said displayed items (Geller: column 2, lines 18-37).

Referring to claim 16. Geller further discloses a method wherein said changing of rank further comprising clicking on an attribute heading (Geller: column 2, lines 18-37).

Referring to claim 19. Geller further discloses a method wherein value of said one or more attributes for each of said items can be updated in real time changing the order of one or more of said displayed items (Geller: column 7, lines 7-22).

Claims 7-8 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geller (U.S. Patent No. 6,236,990) in view of Musgrove (U.S. Patent Application Publication No. 2004/0068413) in further view of Torrance (U.S. Patent Application No. 2002/0107726).

Referring to claim 7. Geller in view of Musgrove discloses a method according to claim 1 as indicated supra. Geller further discloses a method wherein said rank of each of said one or more attributes is submitted by said user to said search mechanism via an interface (Geller: column 4, lines 23-42). Geller in view of Musgrove does not expressly disclose a method wherein said rank of each of said one or more attributes is submitted by said user to said search mechanism via a plurality of radio buttons. Torrance discloses submitting information to a search mechanism via a plurality of radio buttons (Torrance: paragraph 0029). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Geller in view of Musgrove to have included a plurality of input mean types because user interfaces may process input from a wide variety of sources such as radio buttons, sliders, speech recognition systems and so forth (Torrance: paragraph 0029).

Referring to claim 8. Geller in view of Musgrove discloses a method according to claim 1 as indicated supra. Geller further discloses a method wherein said rank of each of said one or more attributes is submitted by said user to said search mechanism via an interface (Geller: column 4, lines 23-42). Geller in view of Musgrove does not expressly disclose a method wherein said rank of each of said one or more attributes is submitted by said user to said search mechanism via a slider within a sliding bar.

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Torrance discloses submitting information to a search mechanism via a slider within a sliding bar (Torrance: paragraph 0029). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Geller in view of Musgrove to have included a plurality of input mean types because user interfaces may process input from a wide variety of sources such as radio buttons, sliders, speech recognition systems and so forth (Torrance: paragraph 0029).

Referring to claim 17. Geller in view of Musgrove discloses a method according to claim 15 as indicated supra. Geller in view of Musgrove does not expressly disclose a method comprising a plurality of radio buttons. Torrance discloses a plurality of radio buttons (Torrance: paragraph 0029). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Geller in view of Musgrove to have included a plurality of input mean types because user interfaces may process input from a wide variety of sources such as radio buttons, sliders, speech recognition systems and so forth (Torrance: paragraph 0029).

Referring to claim 18. Geller in view of Musgrove discloses a method according to claim 15 as indicated supra. Geller in view of Musgrove does not expressly disclose a method comprising a slider within a sliding bar. Torrance discloses a slider within a sliding bar (Torrance: paragraph 0029). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Geller in view of Musgrove to have included a plurality of input mean types because user interfaces may process input from a wide variety of sources such as radio buttons, sliders, speech recognition systems and so forth (Torrance: paragraph 0029).

Response to Arguments

Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

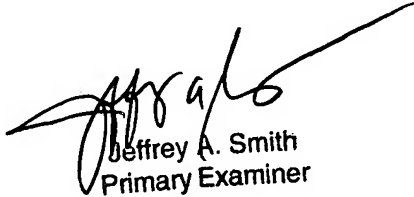
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-273-3955. The examiner can normally be reached on M-F, 9-6.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MSG
Patent Examiner
November 8, 2005



Jeffrey A. Smith
Primary Examiner